

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BRITTANY BARNES,)	
)	
Plaintiff)	
)	No. 3:09-0764
v.)	Judge Nixon/Brown
)	Jury Demand
CUS NASHVILLE, LLC)	
d/b/a COYOTE UGLY SALOON,)	
)	
Defendant)	

O R D E R

Presently pending in this matter is the second part of the Defendant's motion (Docket Entry 70) to compel electronically-stored information. The second part of the motion for a continuance has been granted.

The Magistrate Judge believes that the pending part of the motion should be terminated as moot. Following a telephone conference in May, the Magistrate Judge understood that additional depositions of the Plaintiff and some other parties would be taken. Absent some further specific request based on the record as it presently exists, the Magistrate Judge will not further pursue this issue.

The Magistrate Judge would caution counsel that they can have serious disagreements about the merits of the case, but counsel should strive at all times to avoid becoming personally disagreeable. Immediacy of email, coupled with its permanence, will sometimes lead to comments that perhaps, on reflection, would have been expressed in a more temperate manner.

Following the last telephone conference with parties on July 19, 2010, the Magistrate Judge will defer any ruling on the Defendant's request to examine certain photographs which are sealed with the Court, pending further pleadings by the parties.

The Magistrate Judge would note that some of the issues may be best resolved by Judge Nixon as the trial judge in the matter and may well be best considered by Judge Nixon at the final pretrial conference on August 4, 2010. The parties should insure that they comply with Judge Nixon's requirements for that pretrial conference.

It is so **ORDERED**.

/s/ Joe B. Brown
JOE B. BROWN
United States Magistrate Judge